

FILED 09 JAN 20 11:19 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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|----------------------------------|---|---------------------------|
| LOURDES N. YZAGUIRRE, |) | |
| |) | |
| Plaintiff, |) | Civil Case No. 07-6307-AC |
| |) | |
| vs. |) | ORDER |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

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KING, Judge:

The Honorable John V. Acota, United States Magistrate Judge, filed Findings and Recommendation on December 18, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Plaintiff has filed objections and defendant has filed a response.

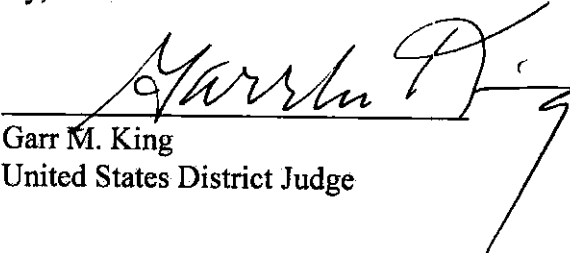
When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

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Accordingly, I ADOPT Judge Acosta's Findings and Recommendation (#17). IT IS
HEREBY ORDERED that the decision of the Commissioner is REVERSED and REMANDED
for further proceedings.

Dated this 20 day of January, 2009.



Garr M. King
United States District Judge